

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

DEPARTMENTAL PERSONNEL MANUAL SYSTEM

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DPM LETTER: 553-1

SUBJECT: Waiver of Pay/Retirement Reduction for
Military and Civilian Retirees to Meet
Exceptional Employment Needs.

DATE: JUN 30 1992

This letter transmits the Department's policy on waivers of the reduction in pay or retirement benefits for military or civilian retirees (1) for temporary employment that is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances, or (2) on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee. It implements provisions of the Federal Employees Pay Comparability Act of 1990, and the implementing regulations contained in 5 CFR Part 553.

This letter supersedes the interim directive dated February 27, 1991.

GENERAL POLICY. Consistent with the intent of the law, the implementing regulations, and Office of Personnel Management (OPM) guidance, operating administrations considering submission of waiver requests must adhere to the requirement that reemployment of military or civilian employees without reduction in pay or retirement benefits should be a rare exception.

Requests for waivers based on exceptional difficulty in recruiting or retaining qualified individuals must include specific evidence of that difficulty. Citing the critical nature of the position and/or the outstanding knowledge or skills of the individual, without supporting evidence of recruiting or retention difficulties, is insufficient basis for submitting a request.

REQUEST PROCEDURES. All Department of Transportation requests for approval of waivers must be submitted to OPM by the Assistant Secretary for Administration. Requests for waiver should be forwarded by Departmental Officers or Heads of Operating Administrations to the Assistant Secretary for Administration through the departmental Director of Personnel, M-10.

Filing Instructions: File after FPM Chapter 553 Letters

Distribution: All FPM Subscribers, Headquarters and Field

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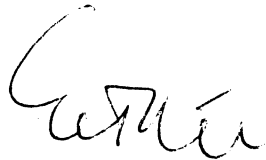
Federal Personnel Manual Letter 553-3, dated May 20, 1991, provides detail on OPM requirements for submitting requests and the information that such requests must contain. When preparing a request for submission, operating administrations should follow the instructions and format contained in that FPM letter.

EXTENSIONS. Requests for extensions must follow the same procedures as for initial requests, and must clearly demonstrate that the conditions justifying the original request still exist.

PAYMENT PROCEDURES. Once an operating administration receives written verification of OPM's waiver approval for an individual receiving military retired or retainer pay, the operating administration is responsible for notifying the appropriate uniformed service pay center in accordance with applicable instructions in the Federal Personnel Manual.

DOCUMENTATION. A copy of the OPM waiver approval, including approvals of extensions of waivers, must be placed in the employee's Official Personnel Folder in accordance with instructions in the Federal Personnel Manual.

Questions concerning this policy should be directed to Denise Schossler, Personnel Policy Division, M-16 on x69447.



Director of Personnel